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FISCAL IMPACT STATEMENT

LS 6880

BILL NUMBER: HB 1283

NOTE PREPARED: Feb 9, 2012

BILL AMENDED: Feb 9, 2012

SUBJECT: Libraries and Historic Matters.

FIRST AUTHOR: Rep. Richardson

FIRST SPONSOR: Sen. Gard

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

Official Rifle of Indiana- The bill designates the "Grouseland Rifle" as the official rifle of Indiana, and requires the duplication and sale of the rifle to be authorized by the Grouseland Foundation.

Library and Historical Board- The bill make changes to the qualifications of certain members of the Library and Historical Board (L&HB). The bill repeals laws authorizing the L&HB to apportion the duties of employees to work for various divisions. The bill requires the L&HB to make policies, instead of rules, for the library department and its divisions.

Council on Library Automation- The bill repeals the Council on Library Automation (CLA).

State Library Employee Qualifications- The bill repeals certain State Library employee qualifications.

Policies Instead of Rules- The bill requires the L&HB to establish policies, instead of rules for: (1) loans; (2) fees for lost or damaged materials; and (3) third party fees for certain copyright material.

State Library Advisory Council- The bill restructures and renames the Indiana State Library Advisory Council as the State Library Advisory Council.

Historical Bureau Commemorative Medallions- The bill repeals the requirement that the Historical Bureau maintain and sell certain commemorative medallions and other items.

State Format Markers- The bill specifies that state format markers installed after 1945 and markers installed by the Indiana Civil War Centennial Commission are the property of the state.

George Rogers Clark Commemoration- The bill requires that the Historical Bureau shall commemorate George Rogers Clark. (Current law requires that the memory of George Rogers Clark must be celebrated.)

Public Records Commission- The bill adds electronic media to the definition of "record" for purposes of the public records law. The bill requires the Public Records Commission (PRC) to coordinate the use of all scanning equipment in state government.

County Commission on Public Records- The bill requires the county commission of public records to implement retention schedules for use by local government officials as part of a records management program for local government public records not more than 30 days after adoption by the Oversight Committee on Public Records. (Current law requires the County Commission of Public Records to adopt retention schedules at the first meeting of the County Commission after the Commission receives the retention schedule.)

Class 1 Libraries- The bill removes an application of prior statutes provision from Class 1 library law. The bill provides that four members of a Class 1 library constitute a quorum. The bill also provides that six members of a county contractual library board constitute a quorum. The bill makes changes to the list of persons who may use and be issued library cards at a Class 1 library. The bill allows Class 1 libraries to charge reduced fees to certain nonresident users of the library district. The bill requires the disposal of personal property at a Class 1 library to comply with certain requirements.

Repeals Merger Requirements for Libraries in Consolidated Cities- The bill repeals certain merger requirements for libraries located in consolidated cities.

Changes to Class 1 Libraries Expansion Procedures- The bill makes certain changes to the procedure to expand Class 1 libraries.

Class 2 Libraries- The bill makes changes to the list of persons who may use and be issued library cards at a Class 2 library. The bill allows Class 2 libraries to charge reduced fees to certain nonresident users of the library district.

Library Service Authorities- The bill repeals laws concerning library service authorities.

Changes Duties/Procedures for Complaints- The bill changes the duties and procedures for the investigation and resolution of complaints by the library certification board.

Conforming and Technical Changes- The bill makes conforming changes. The bill makes technical changes.

Effective Date: July 1, 2012.

Explanation of State Expenditures: *Council on Library Automation-* The Council of Library Automation has not met since the early 1990's. Given that libraries now have an electronic catalog system, the Council has been rendered obsolete. This repeal would have no impact on the State Library's expenditures.

State Library Employee Qualifications- This provision would have an unknown affect on salaries of the State

Library's employees. The provision would remove a section of current law that allows the State Budget Agency to fix the compensation of the Director of the State Library and the Director to fix the compensation of State Library employees under approval by the L&HB and the Budget Agency.

Policies Instead of Rules- The L&HB has adopted rules in the past within their regular assigned duties under current law. The adoption of policies instead of rules would likely not change any of the day-to-day operations of the L&HB.

State Format Markers- This provision would have an indeterminable effect on state expenditures. If more markers were subject to routine maintenance under this provision, the historical marker program would see an increase in expenditures. Under current law, use of the program's funds must be approved by the L&HB. The state Historical Marker Program Fund had an available balance of \$10,814 on December 31, 2011.

State Library Advisory Council- The bill would limit the number of members on the State Library Advisory Council to not more than 15. (Current law requires the Council to have no fewer than 15 members.)

Public Records Commission- The Oversight Committee on Public Records (OCOPR) would have the authority to approve utilization of scanning equipment, such as copiers, in state government. The OCOPR has the authority to utilize all micrographics in state service. The provision would allow the OCOPR to be able to determine if scanning equipment in the state is meeting the legal requirement for retention of public documents. The provision would likely minimally impact the OCOPR's daily operations.

Changes Duties/Procedures for Complaints- This provision would have little impact on state expenditures. The Attorney General would still be available upon request of the L&HB with respect to investigations of librarians. The Director of the State Library (DSL) would continue to have the authority to investigate complaints as under current law.

Explanation of State Revenues:

Explanation of Local Expenditures: *County Commission on Public Records-* This provision would likely be able to be accomplished within the normal operating schedules of the county commissions of public records.

Changes to Class 1 Libraries Expansion Procedures- This provision would ensure that an expansion of a library district could occur by either the legislative body passing a resolution, or by use of the petition and remonstrance process as allowed under current law.

Library Service Authorities- This provision would have no impact on existing libraries. Library services authorities ceased to exist as an Indiana entity when the INCOLSA (the only library services authority in the state) merged with a similar entity in Michigan in 2010 to form the Midwest Collaborative for Library Services (MCLS). Therefore, current law no longer applies to the MCLS.

Explanation of Local Revenues: *Summary: Library Cards-* Libraries (Class 1 and Class 2) would be able to issue library cards to individuals that reside outside of Indiana and are being served through an agreement under the state's Interstate Library Compact. The amount of revenue these cards may generate would depend on individual library action.

Class 1 Libraries- With respect to the disposal of personal property, this provision could allow Class 1

libraries to sell additional surplus items to the public. The amount of revenue this provision could generate is unknown, and would depend on Class 1 library action.

Class 1 & 2 Libraries- Libraries that elect to charge reduced fees for use of the district by nonresidents and property owners would likely have small but indeterminable increases in their revenues.

State Agencies Affected: Indiana State Library.

Local Agencies Affected: Class 1 & 2 public libraries.

Information Sources: Roberta Brooker, Director Indiana State Library, Midwest Collaborative for Library Services Annual Report 2010.

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